

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

David J. Myers,

Civ. No. 13-3644 (PAM/JJK)

Plaintiff,

v.

**ORDER**

Unknown Unidentified Mailroom  
Personnel of the Bureau of Prisons  
Mailroom Staff at FCI-Englewood,  
Mr. K. Morgan, Mrs. R. Hufnagle,  
Mr. Rene Garcia, Mr. Paul Laird,  
and Mr. Harrell Watts,

Defendants.

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This matter is before the Court on the Report and Recommendation (“R&R”) of Magistrate Judge Jeffrey J. Keyes dated May 14, 2014. In the R&R, Magistrate Judge Keyes recommends the summary dismissal of Plaintiff’s claims because the Court lacks jurisdiction over Defendants.<sup>1</sup> Plaintiff did not file objections to the R&R in the time period permitted.

Accordingly, **IT IS HEREBY ORDERED that:**

1. The R&R (Docket No. 8) is **ADOPTED**;

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<sup>1</sup> Magistrate Judge Keyes also ordered Plaintiff to pay a partial filing fee pursuant to 28 U.S.C. § 1915(b)(1). (Docket No. 6). Plaintiff paid \$41.00 on March 18, 2014 (docket No. 7), and thus Magistrate Judge Keyes proceeded to evaluate Plaintiff’s claims under the pre-screening provisions of § 1915A. (R&R at 1 n.1.) After the R&R issued, Plaintiff wrote the Clerk of Court claiming that he did not intend his filing-fee payment to apply to this case, but rather to another civil matter, Myers v. Koenings, Civ. No. 13-3642. Plaintiff has therefore failed to comply with Magistrate Judge Keyes’s order requiring payment of an initial partial filing fee, and his Complaint could be dismissed on that basis alone.

2. Plaintiff's application to proceed in forma pauperis (Docket No. 2) is **DENIED**;
3. Plaintiff's Motion to Appoint Counsel (Docket No. 4) is **DENIED**;
4. This action is **SUMMARILY DISMISSED** under 28 U.S.C. § 1915A(b); and
5. Plaintiff shall pay the unpaid balance of the court filing fee, namely \$350.00, in accordance with 28 U.S.C. § 1915(b)(2).

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: June 18, 2014

*s/ Paul A. Magnuson*  
Paul A. Magnuson  
United States District Court Judge